

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

NOVASPARKS, INC.,
NOVASPARKS, SAS, and FINASPARKS,
SAS,

Plaintiffs,

v.

EXEGY, INC. and DOE COMPANY, LLC,

Defendants.

Case No. 1:23-cv-10006

**PLAINTIFFS' LIMITED MOTION TO IMPOUND AND
PROCEED UNDER PSEUDONYM**

Pursuant to Local Rule 7.2, Plaintiffs NovaSparks, Inc., NovaSparks, SAS and Finasparks, SAS (collectively “NovaSparks”) respectfully request that the Court impound certain pleadings and permit Defendant Doe Company LLC to be identified under a pseudonym for a limited time period to provide an opportunity to Doe Company LLC to provide the Court its position as to whether impoundment and anonymity should continue.

In further support of its request, NovaSparks states as follows:

1. NovaSparks initiated the above captioned action on January 3, 2023 by filing a Complaint and Demand for Jury Trial against Defendant Exegy, Inc.
2. Today, NovaSparks filed a First Amended Complaint (“FAC”) as a matter of right pursuant to Fed. R. Civ. P. 15. The publicly filed version of the FAC adds a new defendant using the fictitious pseudonym “Doe Company LLC” and masks the identity of “Doe Company LLC” by referring to that entity only as “Potential Buyer” throughout. Certain factual allegations of the FAC are redacted in the public filing to

further protect the potential confidentiality of information. Exhibit A to the FAC identifies the true name and address of Doe Company LLC.

3. NovaSparks requests the Court order that the summons to Doe Company LLC (in the real name of Doe Company LLC identified on Exhibit A to the Complaint) be issued under seal. NovaSparks further requests the Court grant it leave to file the return of service under seal.
4. NovaSparks took these actions to shield the identity of Doe Company LLC out of an abundance of caution. NovaSparks at one time owed a duty of confidentiality to Doe Company LLC with respect to some of the matters alleged in the FAC. NovaSparks believes that it no longer owes such a duty, and that even if it did, the duty should not restrict NovaSparks' protected petitioning rights. Nonetheless, NovaSparks requests that the Court file the un-redacted FAC under seal to provide Doe Company LLC an opportunity to address the Court and provide any justification for the case to continue under seal.
5. Therefore, NovaSparks respectfully requests that the Court order the following:
 - a. Impound the un-redacted copy of the First Amended Complaint ("FAC");
 - b. Impound Exhibit A to the FAC, which identifies the defendant named by the pseudonym Doe Company LLC in the FAC;
 - c. Permit this case to proceed under a pseudonym until Doe Company LLC has been given an opportunity to be heard on the question of whether impoundment should continue;
 - d. Impound the summons issued to Doe Company LLC to the name and address listed in Exhibit A; and

- e. Impound the return of service to be filed by NovaSparks upon service of the summons and FAC on Doe Company LLC.
6. NovaSparks requests that the Court order that this impoundment and leave to proceed under a pseudonym expires fourteen days following service of process upon Doe Company LLC. This will afford Doe Company LLC an opportunity to address the Court regarding whether the FAC should remain under seal.

Respectfully submitted,

NOVASPARKS, INC., NOVASPARKS,
SAS and FINASPARKS SAS

By their Attorneys,

/s/ Gregory S. Bombard

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